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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|------------------------|---------------------|------------------|
| 10/783,038  | 02/23/2004  | Kil-soo Jung           | 1101.0111           | 3802             |
| 869860 7590 01/29/2010<br>North Star Intellectual Property Law, PC<br>P.O. Box 34688<br>Washington DC, DC 20043 |             |                        |                     |                  |
| EXAMINER<br>ADEGEYE, OLUWASEUN  |             |                        |                     |                  |
| ART UNIT<br>2621  |             | PAPER NUMBER           |                     |                  |
| MAIL DATE<br>01/29/2010   |             | DELIVERY MODE<br>PAPER |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/783,038

**Applicant(s)**

JUNG ET AL.

**Examiner**

OLUWASEUN A. ADEGEYE

**Art Unit**

2621

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02/23/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 34 is/are pending in the application.
- 4a) Of the above claim(s) 7 - 31 and 33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 6, 32 and 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02/23/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments filed 10/21/2009 with respect to claim 1 have been fully considered but they are not persuasive.

In re pages 4 – 5, applicants disclose that the Baldwin reference does not inherently disclose that the sub-audio system time clock counter continuously increases even if a user inputs a reverse play or a forward play.

In response, the examiner respectfully disagrees. The Baldwin reference discloses two separate and independent clocks for controlling the video data and the audio data (see column 3, lines 4 – 7 and column 6, lines 29 – 36). The Baldwin reference also discloses independent control of the presentation speed of the video information and the audio information (see column 6, lines 29 – 36 and column 8, lines 5 - 10). The fact that the Baldwin reference discloses separate and independent clocks for the video data and the audio data in order to separately control the presentation speeds means that a viewer can be listening to music and at the same time fast forward or rewind whatever he/she is watching (see column 8, lines 5 – 10. It is obvious from this cited column that a viewer can rewind the football game he is watching and still be listening to music).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1 – 6, 32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nonomura (US 2003/0108338 A1) in view of Baldwin et al (US 6,975,363 B1).

As to **claim 1**, Nonomura discloses a decoding apparatus for providing a browsable slide show (see [154] and [155]), the decoding apparatus comprising:

a mainstream decoder (fig. 23, 88), to decode mainstream packet data (see [95] and [251]);

a sub-audio decoder (fig. 23,103, 104), to decode sub-audio packet data (see [255], [256]);

a mainstream system time clock counter, to provide a system time clock sequence which is used for decoding of the mainstream packet data by the mainstream decoder (see [224]); and

a sub-audio system time clock counter, to provide a system time clock sequence which is used for decoding of the sub-audio packet data by the sub-audio decoder (see [225] and [226]).

wherein the sub-audio packet data is reproduced together with the mainstream packet data (see [225]).

However Nonomura does not disclose two different STC counters.

Baldwin discloses independent STC counters (see fig. 3 and column 6, lines 27 – 36 and column 3, lines 4 - 7).

Baldwin discloses that the sub-audio time clock counter continuously increases even if a user inputs a reverse play or forward play command (it is inherent from the Baldwin patent that if the audio presentation is separate and independent from the video presentation, the audio clock counter will continue increase even though the user inputs a reverse play or a forward play command for the video since they are independent).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used separate STC counters taught by Baldwin to the apparatus of Nonomura to provide a system wherein a user can watch a football game while listening to music rather than the football commentary (see column 2, lines 65 - 67 and column 7, line 63 - column 8, line 10).

As to **claim 2**, Nonomura discloses the decoding apparatus of claim 1, wherein the mainstream packet data comprises image data to be reproduced in a browsable slide show (see [94], [95], [154] and [155]).

As to **claim 3**, Nonomura discloses the decoding apparatus of claim 2, wherein the sub-audio packet data comprises audio data attached to the image data (see [225]).

As to **claim 4**, Nonomura discloses the decoding apparatus of claim 3, further comprising:

- a mainstream buffer (94, 96) to store the image data (see [253] and [254]); and
- a sub-audio buffer (99) to store the audio data (see [256]), wherein the apparatus can seamlessly reproduce the audio data when a forward or reverse play (see [242]) is selected during the browsable slide show (see [154] and [155]).

As to **claim 5**, Nonomura discloses the decoding apparatus of claim 2, wherein the mainstream system time clock counter provides a system time clock sequence to the mainstream decoder for each image included in the mainstream packet data (see [224]).

As to **claim 6**, Nonomura discloses the decoding apparatus of claim 1, wherein an output of the mainstream system time clock counter is initialized (reset) based on a predetermined reference value specified in the mainstream packet data (see [224]).

As to **claim 32**, Nonomura discloses a decoding apparatus for providing a browsable slide show (see [154] and [155]), the decoding apparatus comprising:

a video decoder (fig. 23, 87) to decode video data provided to the apparatus (see [258]); and

an audio decoder (fig. 23,100) to decode audio data provided to the apparatus (see [260]),

wherein the audio data is decoded independently of the video data to seamlessly reproduce the audio data during the browsable slide show when a forward play or a reverse play (see [242]) of the video data is selected (see [226]. Paragraph 228 discloses that audio is outputted based on the PTS accompanying the audio itself and not by any other PTS).

and the audio data is reproduced together with the video data (see [225])

However Nonomura does not disclose two different STC counters.

Baldwin discloses independent STC counters (see fig. 3 and column 6, lines 27 – 36 and column 3, lines 4 - 7).

Baldwin discloses that the sub-audio time clock counter continuously increases even if a user inputs a reverse play or forward play command (it is inherent from the Baldwin patent that if the audio presentation is separate and independent from the video presentation, the audio clock counter will continue increase even though the user inputs a reverse play or a forward play command for the video since they are independent).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used separate STC counters taught by Baldwin to the apparatus of Nonomura to provide a system wherein a user can watch a football game while listening to music rather than the football commentary (see column 2, lines 65 - 67 and column 7, line 63 - column 8, line 10).

As to **claim 34**, grounds for rejecting claim 1 apply to claim 34 in its entirety.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUWASEUN A. ADEGEYE whose telephone number is (571)270-1711. The examiner can normally be reached on Monday - Friday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/  
Supervisory Patent Examiner, Art Unit 2621

01/27/2010  
/O.A/



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